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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/058,549

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Benjamin J. Parker

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EXAMINER

RAMAKRISHNAIAH, MELUR

ART UNIT

PAPER NUMBER

2614

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/058,549	Applicant(s) PARKER ET AL.	
	Examiner Melur Ramakrishnaiah	Art Unit 2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 June 2006.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>1-28-02, 7-30-02, 7-14-03, 1-9-06</u> | 6) <input type="checkbox"/> Other: _____ |

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 1-16 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-8 of U.S. Patent No. 7,046,269.

Although the conflicting claims are not identical, they are not patentably distinct from each other because, for example, claim 1 of the present application is an obvious variation of claim 1 U.S. Patent No. 7,046,269.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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3. Claims 1-7, 8-10, 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cruickshank (US PAT: 6,704,294, filed 10-13-1999). In view of Ishida (US PAT: 6,122,259).

Regarding claim 1, Cruickshank discloses a method of privately sharing served resources between a first and second computers connected to an internetwork for exchanging network packets there between, wherein the served resources reside in the first computer and wherein each of the computers has a respective private IP address within the internetwork, the method comprising the steps of: maintaining a central server in (114, fig. 1) coupled to the internetwork and containing a database of IP addresses of registered computers (fig. 1, col. 2 lines 48-56), running a call client in each of the first and second computers (112/122, fig. 1) for establishing a data call between the first and second computers in response to the database of IP addresses, generating within the first or second computer a request for sharing the served resources, running a client application in the first and second computers, wherein the server application and client application running in the second computer exchange network packets in response to the IP address used by the call client (col. 3, line 38 – col. 5, line 13; col. 10 lines 43-49).

Cruickshank differs from claim 1 in that he does not specifically teach running a server application in the first computer for hosting the served resources, and retrieving the served resources from the server applications simultaneously,

However, Ishida discloses video conference equipment and multipoint video conference system using the same which teaches the following: teach running a server

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application in the first terminal for hosting the served resources (reads on multipoint control unit services rendered by the conference terminal 20, figs. 1-2), and retrieving the served resources from the server applications simultaneously (col. 3, line 60 – col. 4, line 54).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: running a server application in the first computer for hosting the served resources and retrieving the served resources from the server applications simultaneously as this arrangement would facilitate sharing information including video by using a server as taught by Ishida.

Regarding claim 8, Cruickshank discloses computer apparatus for privately sharing served resources residing in the computer apparatus with a remote computer via an internetwork for exchanging network packets, the computer apparatus and the remote computer having respective private IP addresses within the internetwork, the computer apparatus comprising: a call client for transmitting information identifying the remote computer (122, fig. 1) to a central server in (114, fig. 1) maintaining a database of IP addresses of registered computers, and establishing a data call between the computer apparatus and the computer in response to the database of IP addresses a client application for retrieving the served resources from the server application, wherein the server application is configured to exchange network packets with a remote client application running on the remote computer in response to the database of IP addresses (col. 3, line 38 – col. 5, line 13; col. 10 lines 43-49).

Cruickshank differs from claim 8 in that he does not specifically teach a server application for hosting the server resources.

However, Ishida teaches the following: a server application for hosting the server resources (reads on multipoint control unit services rendered by the conference terminal 20, figs. 1-2; col. 3, line 60 – col. 4, line 54).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: server application for hosting the server resources as this arrangement would facilitate sharing information including video by using a server such as MCU as taught by Ishida.

Regarding claim 11, Cruickshank discloses a software product for privately sharing served resources between a resident computer and a remote computer over a computer network, the software product comprising: software configured to transmit information identifying the remote computer (122, fig. 1) to the central server in (114, fig. 1) maintaining a database (118, fig. 1) of IP addresses of registered computers, running a call client for establishing a data call between the resident computer and the remote computer in response to the database of IP addresses, generating request for sharing the served resources, and running a client applications in the resident computer (112, fig. 1) and the remote computer (124, fig. 1) for retrieving the served resources from the server application simultaneously, wherein the server application and the client application running in the remote computer exchange network packets in response to the IP addresses used by the call client, a storage system in (112/122/118, fig. 1) that stores the software product (col. 3, line 38 – col. 5, line 13; col. 10 lines 43-49).

Cruickshank differs from claim 11 in that he does not specifically teach running a server application in the resident computer for hosting the served resources.

However, Ishida teaches the following: a server application in the computer for hosting the served resources (reads on multipoint control unit services rendered by the conference terminal 20, figs. 1-2; col. 3, line 60 – col. 4, line 54).

Thus, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Cruickshank's system to provide for the following: running a server application in the resident computer for hosting the served resources as this arrangement would facilitate sharing information including video by using a server such as MCU as taught by Ishida.

Regarding claims 2-7, 9-10, 12-16, Cruickshank further teaches the following: ip address used in the call client of the first computer (112, fig. 1) is reported to the server application and wherein the server application send a session initiation message to the client application running on the second computer, wherein IP address used in the call client of the second computer is reported to the client application running in the second computer (122, fig. 2) and wherein the client application in the second computer sends a session intimation message to the server application, server application exchanges network packets with the client application running in the second computer using a network session already established for the data call, call clients terminate operation during the exchange between the server application and client application running in the second computer, request for sharing the served resources causes launching of the server application and the client applications, originating a voice telephone call between

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users of the first and second computers in response to target telephone number, transmitting the target telephone number to the central server in (114, fig. 1) for determining one of the IP addresses (col. 3, line 38 – col. 5, line 13, col. 10 lines 43-49), user interface responsive to a user for launching the server application and the client application in order to initiate sharing of the served resources wherein the user interface presents the served resources to the user (col. 8 lines 8-12, col. 10 lines 47-49), server application and the client application are launched in response for sharing the served resources (col. 3, line 38 – col. 5, line 13, col. 10 lines 43-49).

Response to Arguments

4. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melur Ramakrishnaiah whose telephone number is (571)272-8098. The examiner can normally be reached on 9 Hr schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curt Kuntz can be reached on (571) 272-7499. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Melur Ramakrishnaiah
Primary Examiner
Art Unit 2643